

This practice direction outlines the request for review process under section 26 of the [Alberta Human Rights Act](#) (the *Act*). A complainant has **30 days** to request a review of the Director of the Commission's (the Director) decision to dismiss a complaint.

### **Request for review**

A request for review, or an appeal, is an application to the Chief of the Commission and Tribunals (the Chief) to review the Director of the Commission's decision to dismiss the complaint. On a request for review, the Chief decides whether the complaint should have been dismissed.

### **Information considered**

The Chief decides on a request for review based on written submissions and documents, including:

1. The Director's record of the decision to dismiss the complaint;
2. The complainant's request for review submissions; and
3. The respondent's request for review submissions.

### **The Director's record**

The Director provides the Tribunal Office with a copy of the documents they considered in dismissing the complaint, including:

1. The complaint form;
2. The response form;
3. The Director's decision to dismiss the complaint; and
4. The information and documents described in the summary of information reviewed section of the Director's decision.

The parties do not need to include any of this information in their submissions.

### **Parties' submissions**

The complainant must file the request for review with all their submissions **within 30 days** of the date the Director emailed the decision to dismiss the complaint. This deadline cannot be extended for any reason.

The complainant's request for review submissions must include:

1. written reasons why the complainant is requesting a review of the Director's decision; and
2. any further information that the complainant believes is relevant to the review, but may not include new allegations.

The Tribunal Registrar provides a copy of the complainant's request for review submissions to the respondent. The respondent has 30 days to file their response to the request for review.

There is a **30-page** limit for each party's submissions, including attachments. The Tribunal Office will not accept submissions beyond the first 30 pages received. The Tribunal will not accept audio or video recordings without prior written approval.

The Tribunal Office sends the complainant a copy of the respondent's response, if provided. However, the respondent's submissions are usually the last submissions the Chief accepts before making a decision.

### **The request for review decision**

On a request for review, the Chief may make one of two orders:

- (1) uphold the decision to dismiss the complaint; or
- (2) overturn the decision to dismiss the complaint and refer the complaint to the Tribunal.

Where the Chief upholds the Director's decision to dismiss the complaint, the complaint is dismissed and the Commission closes the complaint file. The request for review decision is final and binding on the parties, subject only to judicial review at the Court of King's Bench of Alberta.

If the Chief overturns the Director's decision, the complaint will be referred to the Tribunal. The complainant will be responsible for presenting their case before the Tribunal, including in Tribunal Dispute Resolution (mediation), prehearing conferences and applications, and an oral hearing.

In support of an open and transparent process, request for review decisions identify the parties by name and are publicly available.

### **Service and communication with the Tribunal Office**

The Chief primarily serves parties, accepts service, and communicates through the Tribunal Office email. Parties must provide an email address to communicate with the Tribunal Office and at which to accept service. For more information about filing and serving documents, including service by email and registered mail, see section 43 of the [Act](#) and [Bylaws](#) 21.7 and 21.8.

**More information**

See section 26 of the [Act](#) and [Bylaw](#) 22 for the legal requirements of filing a request for review.

**Contact the Tribunal Office**

**Website** [albertahumanrights.ab.ca/tribunal](http://albertahumanrights.ab.ca/tribunal)

**Email address** [AHRCTribunal@gov.ab.ca](mailto:AHRCTribunal@gov.ab.ca)

**Phone** 780-638-4635

To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

TTY service for persons who are deaf or hard of hearing: to call toll-free within Alberta, dial 1-800-232-7215.